

## **REMARKS/ARGUMENTS**

Claims 30-60 have been canceled. Claims 1 and 21 have been amended to further clarify that a player can join a tournament in progress (see, for example, specification, pages 26-30 and Figure 9A). New Claims 62-68 recite similar features as claim 1. In addition, claims 62-68 recite features pertaining to “floating” tournament play where a player may participate in a tournament using multiple devices (see, for example, pages 53-55 of the specification).

It is earnestly believed that the cited art does not teach or suggest the combination of features recited in claims 1 and 21 and therefore claims are patentable over the cited art.

In the Final Office Action, the Examiner has rejected claims 1-20 under 35 U.S.C. 112, second paragraph. The Examiner has rejected claims 1-15, 17-29 and 61 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,007,163 (“*Walker*’163”) in view of U.S. Patent No. 6,224,486 (“*Walker*’486”). The Examiner’s rejection of claims is fully traversed below.

### **REJECTION OF CLAIMS 1-20 UNDER 35 U.S.C. §112**

As a computer-implemented method, claim 1 recites a process that can be performed by a computing device (e.g., a server) Contrary to the Examiner’s assertion, it is respectfully submitted there is no need to recite “what” is performing each of the recited features. It is well known that the scope of a computer-implemented method, among other things, can cover any computing device that performs the claimed method.

Furthermore, contrary to the Examiner’s assertion, it is respectfully submitted that it is clearly that the player selects the first gaming unit. Nevertheless, solely in order to expedite prosecution, claim 1 has been presented in a form which is believed to be more preferred by the Examiner.

**REJECTION OF CLAIMS 1-15, 17-29 AND 61 UNDER 35 U.S.C. §103**

It is respectfully submitted that the Examiner's rejection is improper for the following reasons.

*(a) enabling a gaming unit to play in a tournament for a determined duration by loading gaming software when an identifier associated with a tournament game card is determined to be authentic.*

In the Final Office Action, the Examiner has asserted that “*Walker*’163” teaches “enabling of the first gaming unit comprises loading gaming software to the first gaming unit in order to configure the first gaming unit for playing” (Final Office Action, page 4, citing Col. 3, line 63 to Col. 4, line 5 of “*Walker*’163”). It is respectfully submitted that the mere assertion that software can be loaded does not address this claimed feature.

It is noted that “*Walker*’486” states that “[n]ote that the same software described does not have to reside completely at the central controller” (Col. 14, lines 25-26). Accordingly, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn.

*(b) The Examiner has failed to establish a prima facie case of obviousness.*

In the Final Office Action, the Examiner has merely asserted that “A tournament server would allow a plurality of remote gaming units to participate in the tournament , and simplify the collection of entry fees and payment of prizes, as well as allowing for rating and handicap systems” (Final Office Action, page 5).

However, the mere fact that the references can be combined is not enough to establish a prima facie case of obviousness. The Examiner needs to provide actual evidence supporting a prima facie case of obviousness. Instead, the Examiner has merely asserted that the references can be combined and would yield benefits without pointing to a specific reference in the cited references for combining the references in the first place.

Furthermore, the Examiner has not offered any reasonable explanation as to how the “flat rate play session” of “*Walker*’163” can be combined with a distributed electronic tournament system. “*Walker*’163” pertains to operating a gaming device having a flat

rate play session costing a flat price. The flat rate play session spans multiple plays on the gaming device over a per-established duration ("*Walker'163*", Abstract).

"*Walker'486*" teaches a central controller that manages a tournament through input/output devices (Abstract). The Examiner has not proposed how the flat rate play session of "*Walker'163*" can be used for tournament play. Accordingly, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness for at least these reasons.

### **CONCLUSION**

Based on the foregoing, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P280). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER LLP

/RMahboubian/  
Ramin Mahboubian  
Reg. No. 44,890

P.O. Box 70250  
Oakland, CA 94612-0250  
(408) 255-8001